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REMARKS

By way of this amendment, claims 24-30 have been added. Accordingly, claims 1-30 are present in this application. Applicants respectfully request reconsideration and allowance of the present application.

In the present Office Action, claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Fukuda et al. (U.S. Patent No. 6,001,505). Applicants respectfully traverse this rejection for the reasons discussed below.

In the Office Action, the Examiner stated that Fukuda et al. teaches a battery comprising an anode, a cathode, an electrolyte, and an external electrode contact made of aluminum and a battery enclosure comprising plastic layers and an aluminum metal foil disposed therebetween. The Examiner further described the Fukuda et al. layers as a laminate for enclosing the cell, and concluded that the claims are anticipated by Fukuda et al. However, the Examiner failed to address each and every limitation of claim 1, including the limitation of the external electrode contact formed from the electrically conductive material of the enclosure.

Applicants' claim 1 recites a battery comprising an anode electrode, a cathode electrode, an electrolyte, at least one external electrode contact and a battery enclosure sealed about at least a portion of the perimeter of the battery. The battery enclosure comprises electrically conductive material, and the external electrode contact is formed from the electrically conductive material. Thus, the external electrode contact is integral with the conductive material forming the battery package which avoids the need for tabs to pass through a sealed area of the battery.

In contrast, the reference to Fukuda et al. discloses a battery (10) having positive and negative plates (30 and 32) separated by a separator (34) and non-aqueous electrolytic medium

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(20). The electrodes in Fukuda et al. are disposed within a heat sealed sealing bag (14) made up of multiple layers of film including a metal foil (22) disposed between plastic layers (24 and 28). The battery in Fukuda et al. further includes first and second leads (18a and 18b) connected via leads (36 and 38) to positive and negative plates (30 and 32). Leads (18a and 18b) are separate elements that extend through insulators (40a and 40b) defining a sealed area.

In order to anticipate a claim, the reference must teach each and every claim limitation. The Fukuda et al. reference employs leads (18a and 18b) which are distinct elements separate from the metal foil (22) of the sealing bag (14). Accordingly, the Fukuda et al. reference does not teach a battery comprising a battery enclosure sealed about at least a portion of the perimeter of the battery and comprising electrically conductive material, and an external electrode contact formed from the electrically conductive material. Instead, the Fukuda et al. battery employs separate and distinct leads (18a and 18b) extending through corresponding insulators (40a and 40b) which are not connected to, nor formed as a portion of, the metal foil (22) that would define the battery enclosure. Accordingly, Fukuda et al. does not disclose each and every limitation of claim 1, and therefore Fukuda et al. does not anticipate claim 1 and any claims dependent thereon.

Accordingly, it is submitted that claims 1-5 are not anticipated by Fukuda et al., and Applicants respectfully request that the rejection of these claims under 35 U.S.C. §102(b) be withdrawn.

The Examiner objected to claims 17-20 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants submit that dependent claims 17-20 are product-by-process claims that do further limit the product (battery) by defining as limitations one or more process steps in proper dependent form. Applicants request reconsideration of this objection and, if the Examiner disagrees, Applicants ask that the Examiner cite the appropriate section of the *Manual of Patent Examining Procedure* (MPEP) in support of the objection.

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Claims 6, 7, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuda et al. as applied to claim 1 above, and further in view of Hanafusa et al. (U.S. Patent No. 6,531,246). Applicants submit that claims 6, 7, and 20, all of which depend from claim 1, are allowable over the cited art for the reasons set forth with respect to the rejection of claim 1 discussed above. Applicants further submit that the Hanafusa et al. patent, either singly or in combination with Fukuda et al., does not teach or suggest the claimed invention as set forth in claim 1. Claims 6, 7, and 20 would not have been obvious to one of ordinary skill in the art at the time of the present invention in view of the combination of Fukuda et al. and Hanafusa et al. Accordingly, Applicants likewise respectfully request withdrawal of the rejection of claims 6, 7, and 20 under 35 U.S.C. §103(a).

Claims 8, 10-12, 15-17, 19, and 21-23, and claims 9, 13, 14, and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants submit that claim 21 is currently in independent form and request that the Examiner allow claims 21-23. Applicants appreciate the Examiner's acknowledgement of allowable subject matter of claims 8-19; however, Applicants submit that broader aspects of the claimed invention should be allowed over the cited art of record.

Finally, Applicants request consideration and allowance of new claims 24-30. New independent claim 26 is similar to claim 1, with the addition of reciting that the battery is flexible and thin and including the features of claim 5, which recite the battery enclosure is a laminate. Dependent claims 26, 27, and 28 include features similar to those presented in claims 8, 9, and 10, which the Examiner has acknowledged as containing allowable subject matter. Applicants respectfully request examination and allowance of new claims 24-30.

By way of the foregoing discussion, Applicants have demonstrated that claims 1-30 are not anticipated by Fukuda et al., nor rendered obvious in view of the combination of Fukuda et al. and Hanafusa et al., and claims 1-30 should therefore be allowed, which allowance is

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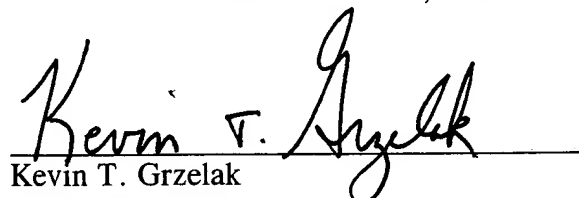
respectfully requested. If the Examiner has any questions regarding patentability of any of the claims, the Examiner is encouraged to contact Applicants' undersigned attorney to discuss the same.

Respectfully submitted,

RICHARD LANGAN ET AL.

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Date


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